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April 4, 2005

Office of the Clerk
United States Court of Appeals for the Third Circuit
21400 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1790

Re: *Newark Coalition v. Newark Redev. Housing*, 05-1963

Dear Clerk:

Please accept for filing our Appearance Form, Civil Information Statement, and Concise Summary of the Case.

By copy of this letter to opposing counsel, I am requesting that all briefs, motions and other papers be served directly upon me at the above address.

Please date-stamp and return to me the extra copy of this letter in the enclosed envelope.

Thank you for your attention to this matter.

Sincerely,

Mark S. Davies
Attorney, Appellate Staff
Civil Division

Enclosures
cc: (attached)

Mr. Gustav Henningburg
One Riverfront Plaza
Newark, New Jersey 07102

Harris David, Esq.
Legal Services of New Jersey
100 Metroplex Drive at Plainfield Avenue
Suite 402
P.O. Box 1357
Edison, New Jersey 08818-1357

Jon Dubin, Esq.
Rutgers Law School
123 Washington Street
Newark, New Jersey 07102

Oliver Lofton, Esq.
Housing Authority of the City of Newark
500 Broad Street
Newark, New Jersey 07102

Raymond Brown, Esq.
Brown & Brown
One Gateway Center
Newark, New Jersey 07102

Ms. Mary Ann Russ
Abt Associates
5441 Dominica Circle
Sarasota, Florida 34233

PLEASE TYPE THIS FORM

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 05-1963 (CRG)

Newark Coalition for Low Income vs. Newark Redevelopment and Housing, et al.
Housing, et al.

The Clerk will enter my appearance as Counsel of Record for (please list names of all parties represented, using additional sheet(s) if needed):

Alphonso R. Jackson, Secretary of Housing and Urban Development

who IN THIS COURT is (please check only one):

 Petitioner(s) X Appellant(s) Intervenor(s)
 Respondent(s) Appellee(s) Amicus Curiae

(Type or Print) Name MICHAEL J. SINGER/MARK S. DAVIES
Mr. Ms. Mrs. Miss

Firm U.S. Department of Justice

Civil Division, Appellate Staff

Address 950 Pennsylvania Avenue, NW, Room 7258

City & State Washington, DC

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michael.singer usdoj.gov

PLEASE TYPE E-Mail Address mark.davies usdoj.gov

SIGNATURE OF COUNSEL: 

ONLY COUNSEL OF RECORD SHALL ENTER AN APPEARANCE AND ONLY THAT ATTORNEY WILL BE THE ONE NOTIFIED OF THE COURT'S ACTION IN THIS CASE. OTHER ATTORNEYS WHO DESIRE NOTIFICATION SHOULD MAKE APPROPRIATE ARRANGEMENTS WITH COUNSEL OF RECORD.

ONLY ATTORNEYS WHO ARE MEMBERS OF THE BAR OF THE COURT OF APPEALS FOR THE THIRD CIRCUIT OR WHO HAVE SUBMITTED A PROPERLY COMPLETED APPLICATION FOR ADMISSION TO THIS COURT'S BAR MAY FILE AN APPEARANCE FORM. (BAR ADMISSION IS WAIVED FOR FEDERAL ATTORNEYS.)

IT IS IMPORTANT THAT ALL REQUESTED INFORMATION BE PROVIDED AND THAT COUNSEL SIGN THE FORM IN THE APPROPRIATE AREA.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

05-1963 (CRG)

CIVIL INFORMATION STATEMENT

Please type. _____ Attach additional pages if necessary.

COUNSEL FOR APPELLANT: This statement is due to be filed with the Clerk of the Court of Appeals not later than 10 days from the docketing of the notice of appeal. COUNSEL FOR APPELLEE: If any information in appellant's statement is incorrect, counsel for appellee is directed to file a copy of this statement not later than 7 days after service.

SHORT CAPTION WITH IDENTITY OF APPELLANTAPPEAL FROM DISTRICT COURT

Newark Coalition, et al.

v.

Newark Redev. Housing

District: New Jersey

D.C. Docket No.: 89-1303

Date filed in D.C.: 3/29/1989

Date NOA filed: 3/25/2005

NAME AND ADDRESS OF COUNSEL ON APPEALName of CounselAddressTelephone No. (incl. FAX #,
if any)For Appellant(s):Michael Singer
Mark DaviesDepartment of Justice
Civil Div., Appellate Staff
950 Penn. Ave., NW, Rm. 7258
Washington, DC 20530202-514-5432 (w)/202-514-8151 (f)
202-616-5385 (w)/202-514-7964 (f)*For Appellee(s):Legal Services of
New Jersey100 Metroplex Dr. at Plainfield Ave
Suite 402, P.O. Box 1357
Edison, NJ 08818-1357732-572-9100 (w)/
732-572-0066 (f)

*LIST ONLY THE NAMES OF PARTIES WHO WILL OPPOSE YOU ON APPEAL,
TOGETHER WITH THE NAMES AND ADDRESSES OF THEIR ATTORNEYS

Is this a Cross-Appeal? Yes [] No [x]

Was there a previous appeal in case? Yes [] No [x]

If yes, Short Title: _____

Docket No.: _____

Citation, if reported: _____

See p. 2.

Concise Summary of the Case

Newark Coalition v. Newark Redev Housing, 05-1963

D.C. No. 89-cv-01303

Debevoise, Dickinson R.

In 1989, the Newark Coalition for Low Income Housing sued the Newark Redevelopment and Housing Authority (NHA) and the Secretary of Housing and Urban Development (HUD) in connection with the planned demolition of certain public housing buildings. The parties entered into a consent decree, pursuant to which NHA agreed to construct new "replacement units." The controversy here involves forty-two town houses located at Mount Pleasant Estates. NHA is in the process of selling these units to low income individuals under a HUD approved Home Ownership Program (42 U.S.C. § 1437z-4). The district court ruled that this sale disqualified the townhouses as "replacement units" under the agreement, and obligated NHA to build forty-two additional units. HUD appeals.

The issue on appeal is whether property sold by NHA under a HUD approved Home Ownership Program counts towards NHA's obligation to build "replacement units" under the consent decree.

This Concise Summary of the Case was mailed to the Clerk of the U.S. Court of Appeals for the Third Circuit and a copy hereof served to each party or their counsel of record this 4th day of April, 2005.



Mark S. Davies

CHRISTOPHER J. CHRISTIE
United States Attorney
NEIL R. GALLAGHER
Assistant U.S. Attorney
970 Broad Street, Room 502
Newark, NJ 07102
(201) 645-2835
NRG0276

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NEWARK COALITION FOR LOW
INCOME HOUSING, et al.

Plaintiffs,

v.

NEWARK REDEVELOPMENT AND
HOUSING AUTHORITY, et al.

Defendants.

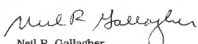
Hon. DICKINSON R. DEBEVOISE

Civil Action No. 89-1303

Notice of Appeal

Notice is hereby given that Alphonso R. Jackson, the Secretary of Housing and Urban Development, defendant, in the above entitled case, hereby appeals to the United States Court of Appeals for the Third Circuit from an Order declaring that the 42 housing units at Mount Pleasant Estates housing project do not qualify and shall not be counted as a part of the 1777 replacement units that NHA is required to construct pursuant to the 1989 Settlement Agreement as amended, entered in this action on the 26th day of January, 2005.

CHRISTOPHER J. CHRISTIE
United States Attorney


By: Neil R. Gallagher
Assistant U.S. Attorney

Dated: March 25, 2005

Certificate of Service

This is to certify that on the 25th day of March, 2005, I did serve the within document, by first class mail upon:

Mr. Gustav Heningburg
One Riverfront Plaza
Newark, New Jersey 07102

Harris David, Esq.
Legal Services of New Jersey
100 Metroplex Drive at Plainfield Avenue
Suite 402
P.O. Box 1357
Edison, New Jersey 08818-1357

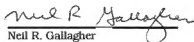
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Housing Authority of the City of Newark
500 Broad Street
Newark, New Jersey 07102

Raymond Brown, Esq.
Brown & Brown
One Gateway Center
Newark, New Jersey 07102

Ms. Mary Ann Russ
Abt Associates
5441 Dominica Circle
Sarasota, Florida 34233

Executed under penalty of perjury this 25th day of March, 2005.


Neil R. Gallagher



U.S. Department of Justice
United States Attorney
District of New Jersey
Civil Division

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March 25, 2005

Harris David, Esq.
Legal Services of New Jersey
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Suite 402
P.O. Box 1357
Edison, New Jersey 08818-1357


Re: Newark Coalition for Low Income Housing et al. v. Newark
Redevelopment and Housing Authority., et al.
Civil Action No. 89-1303

Dear Mr. David:

Enclosed is a copy of the Notice of Appeal filed in the captioned matter. The same was electronically filed today.

Very truly yours,

CHRISTOPHER J. CHRISTIE
United States Attorney

By: 
NEIL R. GALLAGHER
Assistant U.S. Attorney

cc:
Hon. Dickinson R. Debevoise
Judge, United States District Court
Dr. Martin Luther King, Jr. Federal Building
and Courthouse
50 Walnut Street
Newark, New Jersey 07102

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